



REMARKS

Claims 1-14 are pending in this case. Claim 1 is an independent claim upon which claims 2-10 depend. Claim 11 is an independent claim upon which claims 12-14 depend.

All the claims had been rejected under 35 USC 103 as being unpatentable over Martin. Martin teaches a scent delivery system wherein there are a plurality of conduits, one for each fragrance dispenser, see column 1, line 63 column 2, line 10; column 3, lines 23-30; column 4, lines 8-12; and column 7, lines 49-55.

Turning first to claims 1-10, claim 1 has been amended to recite that a single conduit delivers scented air to the user's nose. A single conduit makes the system less expensive and simpler to manufacture. Air flow through a single conduit is easier to control than through a plurality of small capillary tubes as taught in Martin. Air flow in a small capillary tube is very difficult to operate.

Furthermore, one of the novel aspects of the present invention is its ability to rapidly remove scent from the user's nose. Claim 8 particularly points out and distinctly claims that aspect of the present invention.

This is made possible by the scented air which is forced through the conduit by the scent generator without the need of a vacuum. Thus, the flow of scented air is not interrupted at the nose, but continues to travel past the nose. This continuous movement allows for the rapid change of scent at the user's nose. Such a rapid change is not possible with the vacuum system of Martin.

Turning now to claims 11-14, claim 11 recites that the mixing bed forms a mixture of scent and that the delivery device delivers the mixture of scent to the wearer's nose.

Martin delivers individual streams of scent-laden air directly to the user's nose, see column 3, lines 19-20, 25; column 4, line 11; and Figs. 3 and 12. Fig. 12 illustrates that a bundle of capillary tubes are housed in conduit 154 and that each of the individual capillary tubes 158 delivered scented air directly under the user's nose. As pointed out above, the present invention mixes the scent-laden air to form a mixture and delivers this mixture of air to the user's nose. This allows the present invention to employ a large single conduit for delivery of the scent-laden air to the user's nose. It should be noted that Martin teaches that capillary tubes are used for each of the individual scents. It is

typically has a diameter of less than 1 millimeter and that pumping air through flexible tubing that is less than 1 millimeter in diameter is extremely hard. This means essentially that the amount of force or pressure necessary to push the air through such tubing is extremely high and results in fairly expensive and complicated machinery. In contrast, because the present invention mixes the individual scent-laden air into a single mixture and then delivers that mixture to the user's nose, larger diameter tubing can be used and, thus, a simpler system.

Turning now to the other points raised in the Office Action, the disclosure had been objected to because the specification had not been updated to recite that the '622 application had matured into U.S. Patent No. 5,949,522. Amendment has been made herein to recite the issued patent.

Turning to claim 6, claim 6 had been rejected under 35 USC 112. The Examiner had noted the typographical error and had suggested amendment. Such a suggestion is appreciated and has been adopted herein..

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance and

any fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

BIERMAN, MUSERLIAN AND LUCAS

DCL:pd

Tel: 212-661-8000
Fax: 212-661-8002

By Donald C. Lucas
Donald C. Lucas
Reg. No. 31,275
Attorney for Applicant

